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THE RIGHT OF PRIVATE PROPERTY IN LAND.

I HAVE been asked to express my views on the "Ethics of Property in Land," on which subject, during the brief existence of this journal, two treatises have already appeared. Those two treatises dealt mainly with the "right" of private property in land, and called this its "ethics." Whether this be admissible I will leave undiscussed. I recently asked several German and English scholars, what they understood by "the ethics of private property in land." None of them professed to know. It is indeed not my intention to discuss the views of my two worthy predecessors, who differ so profoundly from my convictions on nearly all political and economic opinions and principles of which they make mention, that, if I were to proceed critically, I should hardly leave a single proposition of theirs unquestioned. This would occupy too much space. Let us, therefore, instead of speaking of the ethics of property in land, put the seemingly more simple question: Is the holding of private property in land warranted, or not?

Private property in land is an essential ingredient of the total order of life of all civilized peoples of which we have any knowledge. It is an institution most intimately connected with the whole development of that order. Our question may, consequently, be extended with advantage to the more general one,—Is the law of civilized nations justifiable? This question seems simply absurd, for it is at bottom identical with the still more general, and surely inadmissible, question, Is the history of civilized nations justifiable?

The conception of right and wrong is not applicable to the constitution or the fundamental institutions of whole races, because it is precisely these institutions that create the standard by which the actions of individuals whose moral characters are here in question, may be judged. If the actions of the individual agree with them, he has acted rightly, otherwise

wrongly. These institutions, again, are a product of the wants of men,—especially of the wants of those who are victorious in the struggle for existence, of those who at any given time are the most powerful, and, therefore, rule, and whose deeds, like the deeds of all, are wholly determined by the conditions under which they live and by the experiences which have been transmitted to them from past generations.

The events of history do not follow some system of law, or any ethical theories or moral principles; they are made up of the struggle of forces and wants, and he who is victorious in this struggle imposes his law on the conquered and makes his own bed as comfortable as he knows how. His knowledge depends here on the total development which his own nation, and other nations with which his fellows have come into contact, have undergone up to the moment in question. The notions, true and untrue, which men gradually formed about the conditions under which they lived and the events which they experienced or heard about, are partly the results and partly the causes of this development. These notions, too, do not owe their existence to chance, but result from the whole past with the same necessity as the events to which they apply. Based on the experiences of mankind, certain judgments about right and wrong, good and evil, form themselves at all times.

How man arrives at what we call a moral judgment is not the point to be investigated here, but only how he comes to call something right or wrong, good or evil. The answer, we believe, has been given above. From our theory it naturally follows that the abstract conception of right has no definite contents, but that the contents vary according to times and circumstances. When, consequently, we ask, to-day, whether any particular institution of the past had or had not been justifiable, we only mean to ask whether it would or would not conform to our present ethical conceptions. At all events, there would be no sense in the question, whether the men of the past had a right to introduce this or that system of government or institution. For in doing this, they obeyed the imperative demands of the struggle for existence, the law of

history, the logic of historic causality, compared to which the special traits and possible moral ideas of some individuals who took part in the struggle may be considered as *une quantité négligeable*.

We cannot, therefore, reasonably ask, Were the Teutons justified in expelling the Celts from the Germany of to-day, and settling there? Were the Romans and Greeks, or any other nation you please, justified in introducing slavery? These questions would only make sense (unless we apply our own standard quite arbitrarily to the deeds of remote ages), if we were well acquainted with the moral principles of those far distant times and peoples, and were thus enabled to find a possible contradiction between their deeds and their maxims. But, as a matter of fact, we have to deduce their principles from their actions, and this, indeed, is the only permissible proceeding when nations are concerned. The braggart counts for nothing in history; principles that are perpetually given the lie by the lives of whole nations are not principles at all, but empty sounds, unconnected with reality and imported from without, just as, in our time, the precepts of Christianity have no application in the economic dealings not only of nations but of individuals. Looked at from this point of view we are the greatest braggarts the world has ever seen, for we are constantly setting aside the fine morals about which we talk so prettily. Among a hundred Christians, at least ninety-nine strive after little but property and money, and while doing this, they talk piously about the draught of fishes and the eye of the needle. It has not always been so, and, generally speaking, the further back we go the less do we find it. Man in a state of nature has not the slightest doubt of his natural right to prosecute what is advantageous to himself and to his tribe, with the help of any means that are likely to lead him to his end. History in the theoretical sense is anything but moral. It is as little moral as our modern business life,—the newest form of the struggle of existence,—is even in its general outlines, apart from particular failings of individuals. And thus the *origin* and *tendency* of property has nothing to do with morality, being originally a brutal fact,

like manslaughter, and afterwards becoming an institution defended with bayonets, with the police, and with religious dogmas, just like any other useful thing,—useful, primarily, for those who rule, for those who have introduced it and understand its value.

It was by right of force and cunning that the modern nations originally took possession of their present abodes, partly exterminating and partly enslaving the former inhabitants, and it was in this manner, apart from everything we call right, that property in land originated. On a low stage of economic development, when there is little division of labor, and when the power of production is very limited, men have to live in larger groups; they form the clan, then, knitted together by ties of consanguinity, they work, manage the household, and consume. Under favorable circumstances, and when the settlement is a lasting one, the productivity of labor and the general culture increase. The households, becoming gradually isolated, every one with his slaves or without them, works more and more on his own account and consumes his own productions. This is why the land necessary for life and actually cultivated is fast divided, while the uncultivated land—forests, pastures, streams—yet remain common property for a long time. Along with the individualization of the family, the institution of private property, and the growth of the general welfare, there originates the desire for more, and the economic struggle, *viz.*, the struggle for wealth among the members of the same tribe, begins. And as all wealth is attached to land, and as the product of land has to be gained directly by the isolated household, because there is as yet no trade or nearly none, therefore the striving of all is after more land and more laborers, for without the latter the land is valueless. In this fashion originated everywhere, where private property had been once introduced, a species of civil war, in which, in the main, the decision lay with brute force, even if not in quite the same manner as on battle-fields. As long as there exists no private property, all free members of the tribe are equal; all are armed, the army and the people being one. As soon as a part of the tribe has

been weaned from the use of weapons by a prolonged settlement, and the other part—the nobility—alone remain armed, the latter use their power to subjugate those who are defenceless, to confiscate their land, and to force them to labor for them.

The cause of the ascendancy of one part over the other may originate in many other ways; the subjugation may assume many forms, but the thing itself is always the same—a typical phenomenon in the history of all more highly-developed races. Along with private property there comes also oppression and exploitation, wealth and poverty. Critical minds, not satisfied with the existing state of affairs, knew this long ago, and expressed it with more or less accuracy, most of them attaching to their just criticisms impossible demands. Thomas More, in his “Utopia” (1516), says that wherever private property exists justice and social welfare are out of the question. The principle of equality, he contends, is irreconcilable with private property, for under its *régime* every one attempts, with various pretences and rights, to lay hold on as much as he can. The national wealth, however great it may be, falls into the possession of a few individuals, who leave their fellows in want and wretchedness.

The German printer, Sebastian Frank, writing about the same time (1531), says in his “Chronica” that God had designed all things to be common property, but that the tyrannical man had laid hold of them unjustifiably, whereupon God had sent other tyrants to wrench from him the stolen property, in the same way as he himself had abstracted it from the common stock.

About the same period the Anabaptists, and a century later the Calabrian monk, Campanella, in his “Civitas Solis” (first published in 1620), demand the abolition of private property, and in the same century many great minds, among them the Frenchman Vairasse (“Histoire des Sevarambes,” 1677), make the same demands. J. J. Rousseau, in his “Discours sur l’origine et les fondements de l’Inégalité parmi les Hommes” (1754), uttered the words that have become so renowned. “The first man who enclosed a piece of land and

said, This is mine! and found people simple enough to believe him, was the real founder of the *bourgeoisie*. How much misery, crime, war, etc., would have been prevented if another man had had the courage to pull out the posts, and had said, Take care, cheat! you are lost the moment you forget that the fruits of the earth belong to all, and the earth itself to no one." Helvetius, in his book "De l'Homme" (1781), which did not appear until after the author's death, finds the cause of the social evils and sufferings in the existence of property. Mably, in his work "De la Legislation" (1776), says that property is the source of all evils, that its introduction was a mistake "qu'il était presque impossible de faire." Similarly Morelly ("Basilide," 1753, and "Code de la Nature," 1755) and Brissot de Warville ("Recherches Philosophiques," 1778) and a great many others whom I need not enumerate here.

There are, consequently, two fundamental types of property,—common and private property, both assuming various forms. Both of them originate mainly through force, that is to say, force is the general means of procuring them. Common property is everywhere the first phase, but no race that has stopped there has had a high development.

According to unanimous experience, man, in his natural state, is averse to labor (all explorers confirm this), and only force can drive him to his work. This force is applied by those who, by power or cunning, are able to make their interests prevail over the interests of the others. The primary object of the use of force is to secure property in land, and it leads logically to reducing to slavery those who are not proprietors; in the first instance, the conquered strangers, and afterwards, though necessarily in mild climates, their expropriated fellows. In the latter case, too, there is no thought, not even a pretence, of right.

But let private property have originated as it may, it had to come into existence, if there was to be a considerable advance in civilization, just as the very low races of Europe had to be exterminated or enslaved, if Europe was to reach a high stage of development. Progressive civilization, that is to say, the formation of states, the government of countries,—not, as in

prehistoric times, over mere groups of men,—law, order, peace, and the development of private property,—all take place simultaneously in history. A historical fact of such universality and duration as private property, justifies the assertion that the rule of man over man, of the possessing classes over the non-possessing, was an absolute necessity, if the obstacles that confronted the development of culture and the productivity of labor were to be overcome.

Without doubt, private property does not owe its establishment and development to social impulses,—that is, to the demands of the permanent interests of mankind. Like its co-relative, slavery, it undoubtedly rests on the egoistic motives of a triumphant section of society. To those who were conquered, and who lost their land and their liberty,—the latter through the loss of the former,—it was at first, and for tens of centuries, a retrogressive step, at least as far as their happiness of life was concerned. Yet without the interposition of this highly immoral and selfish interest, great progress would probably have been impossible. Progress presupposes some wealth; that is to say, some men must be in a position to exercise their mental faculties freely, and thus to develop their higher capacities; but to do this they must be exempt from ordinary bodily labor. This presupposes that the remainder work more diligently than would be necessary if they had to care only for their own maintenance. The natural impulse to be disinclined to industrial labor had to be overcome, and was historically overcome by the victorious power of the selfishness of the stronger, or of the more fortunate. Merit is out of the question here. Labor is in this manner organized by property, especially by property in land and in slaves; it forces men to work, and makes labor more productive.

But if, in accordance with this view, it be true that force, war, oppression, and their product, property, appear in history as necessary means of education (whether another road leading to civilization was open we do not know, as we have no other human race and no other history with which we might compare ours), then this education, so far as history is a constant progress, must some day be complete, and its

fruits, which have mostly benefited a small minority, must become free to all. Otherwise the means would miss its end, unless we assume that the great mass only exists to be sacrificed for the good of the few. But in that case the instrument of education becomes superfluous. Productive property, which controls labor, and which now and at all times has had the tendency to accumulate in a few hands and to become inaccessible to the great mass, can and must disappear, if all alike are to enjoy the fruits of civilization,—comfort, education, and independence.

This would be possible if the productivity of labor had become so great that, if all were occupied productively (and everybody should engage in bodily labor for the sake of health, if for nothing else), they could produce in a very short day's work such a quantity of commodities of all kinds as would satisfy every rational desire and all true demands of culture. When such a stage of labor-productiveness is reached, private property would no longer be an aid but a hindrance to further development and general culture, for, under its *régime*, a high productivity of labor cannot be permanently maintained and developed. This is because private property in means of production does not create objects of consumption as such, but simply commodities, and also because commodities can only be produced so far as there is a paying demand for them, even if we suppose the highest productive power, namely, the possibility of an almost unlimited increase of objects of consumption. But the demand of the great mass of the people is very limited, as long as—in consequence of private property in the means of production—they only live on their wages, and do not receive more than is necessary to keep them alive and at work. To produce more than can be sold at fair prices means—in a society based on property—a crisis, loss of wealth to the possessing class, starvation for the laborers,—a fatal inner contradiction, which becomes the more glaring and deeply-felt the more society progresses and labor increases in productiveness.

If there were no private property,—that is, supposing, what cannot be proved to-day, that production and distribution

could be organized on a basis of common property,—greater production would mean greater consumption, or the shortening of the hours of labor, or both, according to the degree of progress. If we consider the progress of civilization and the general happiness of mankind as a moral demand, then, supposing a high productivity of labor, private property would be, indeed, something immoral. In the same way we denounced and abolished slavery when it became, generally speaking, an obstacle instead of a means of furthering the wealth of the community; yet it never occurred to the greatest moral philosophers of antiquity to condemn it. It would be wrong to conclude that the ancients were on that account less moral than we are. Their stage of civilization, in which agriculture by far preponderated, had slavery as a necessary basis; while our industrial life, with its fluctuations, requires a free labor contract that can be easily made and as easily dissolved. The early Christians regarded the teachings of Christianity, surely, with greater earnestness than we do (I have only to remind the reader of the communistic society in Jerusalem), nevertheless they did not oppose slavery; for there is hardly any one whose thoughts can go beyond those institutions of his time that are of native growth and which seem a necessity. But as soon as people seriously begin to criticise, to attack and to condemn, on moral grounds, old and fundamental institutions of society, and this is extensively done and widely approved of, it is a sign that these institutions are standing on the verge of dissolution, and that men are going to change them radically or abolish them. That is to say, people adapt themselves to fundamentally changed conditions. The length and end of the road of social reform can never be known accurately, nay, not even approximately, in periods of transition. What Frenchman in 1789 thought of the possibility of the swiftly-approaching Bonapartist empire, which gave its peculiar stamp to the France of the nineteenth century? "France is devotedly Napoleonic," said Heine, in the time of Louis Philippe, "for the Napoleon *d'or* reigns there;" and, on the other hand, Babœuf and his followers, in the year 1796, believed that the triumph of perfect equality and absolute communism was

quite close at hand; and yet to-day we see only a few state railways, and these have precious little to do with equality and communism.

It is not moral considerations that nowadays move the state, or, to be more precise, the possessing classes, here and there to care for the non-possessing classes. Wherever there are rich men, poor and wretched people are also to be found, and if it were only that, we would talk as little of social reform to-day as formerly. But this oppressed class is gradually beginning to get insight into its condition, and to become conscious of its existence. As the interest of the possessing class, the *bourgeoisie*, at the time at least when it fought with feudalism for political supremacy, demanded political liberty and equality (democratic institutions, when once introduced, cannot be very easily abolished), so the working class, in proportion to its political insight and social understanding, attains political significance by its great numbers, and becomes, when it sees that its interests differ from those of the ruling classes, more and more dangerous to the latter. Here again there is a preparation for an inner struggle, the first beginnings of which people already believe they see,—a struggle in which the actors' parts are changed, and he who was victor formerly is put on the defensive. Under these circumstances, being by no means sure of victory, the upper classes begin to grant the more pressing demands of the lower classes,—not out of Christian love, or from a sense of justice—though some seem to think so,—but in their own interest and under the pressure of need; and this is called (somewhat euphemistically) social reform. The demands, the wants, of the lower classes, backed by a certain amount of power, naturally assume in their minds the shape of demands of justice, or the vindication of violated rights. To illustrate this, we need only think of the "natural right" of the third estate in the last century, which term was only a theoretical figure for their power and wants. Their "rights" were evidently more violated in the times of slavery and serfdom, but still no one spoke then of a violation of rights, for the simple reason that the want had no power to make itself felt, and that is why even the consciousness of the

wrong was absent. The real right in our case, too, will only come into existence when there is enough power to procure the satisfaction of the desire and establish new institutions, which are in turn again dictated by the one who is victorious in the struggle for existence.

What we call morality in private life, very often with our lips only, hardly plays any part in the great affairs of the state and of society. We do not contend that this *should* be so,—though our wishes hardly come into consideration,—but only that it *is* so. And how much of Christian morality—for in fact we have no other morals, in spite of philosophy—would be noticeable in Europe, if the long-feared international war were to break out? Of course the modern civilized man who lives in comfort, security, and peace, is not so ready to shed blood as the savage who fights daily for his life. He does not need to be. If this, and similar things, are called morality, we are very moral indeed, as long as we live in security and peace. I would not warrant more. We have only to recall how, in 1871, the French, one of the most civilized of nations, butchered one another! In hypocrisy we are certainly not wanting. We like to imitate those pious people in the United States who collect money to procure Bibles for unbelieving savages abroad, and who yet, by high tariff, make the acquirement of holy scriptures more difficult for their own countrymen.*

If, in conclusion, we ask, Can property be justified by Christian ethics,—which is supposed to be ours,—we find that the answer to this question does not touch the institution of property, nor, therefore, the fact that individuals, under this institution, possess property. For Christianity has no social order, no system of law, and is consistent with that lowest form of rulership of man over man, namely, property in human beings. The love of our neighbor, in itself, is possible under any political and social system, and it is this love that forms the real contents of Christian morality. Through love the despot becomes the father of his people, the master the pro-

* See Henry George, "Protection and Free Trade."

tector of his slave, the rich man the treasurer and distributor of blessings to all, the manufacturer the representative of the interests of his workmen, the tradesman the worthy servant of the consumer.

In short, if we were what the Christian teaching wishes us to be, then all constitutions and laws would be equally good, and, even under those most unlike, human life would go on in equal harmony. But what use is teaching if it is not and probably cannot be obeyed? From the Christian point of view, therefore, one would have to say that an institution which enables some to own certain parts of the surface of the earth, or anything else, has nothing whatever to do with ethics, and does not, in fact, prevent the highest state of morals.

Considered in this light, where morals is purely an inner product of the spirit, it all depends on how you behave yourselves within the limits of that institution. And in general your behavior is extraordinarily bad. You have an economic system which you call free competition, and through which your economic life has assumed the character of a fierce contest,—a contest among the possessing classes for the market, and a contest between them and the workmen about the respective proportion of wages and rent. In this struggle no means is considered too wicked if it only leads to victory, that is to wealth, and he who has gained it is respected among you according to the amount he has accumulated, however great a rascal he may be.

We will not go on moralizing, but only remind the reader that when once the economic life has assumed the character of a struggle, nothing is left for the individual but to conquer or be conquered. In this struggle, individuals, of course, will behave very differently according to their inherited and acquired tendencies. The system of free competition, with all the terrible suffering it has caused in wide circles, here and there, has yet immensely furthered the development of society, by bringing about a tremendous rise in the productivity of labor, a growing clearness in regard to the relations of society, and a destruction of many of the illusions of the

past. On the whole there has been considerable progress, but the struggle about the fruits of this progress has now set in. It is as much a matter of course that the victorious party will establish new institutions and create a new constitution, which will be nothing but the expression of their own interests, as that they will consider our institutions unjust and immoral from their point of view.

At all events, Henry George and the German land-nationalizers will not be the victorious party, for there is no logical order in their ideas, and no trace of a new conception of society. All their thoughts are fixed on land, and they do not see that property in the means of production, in any and every form, has the same tendencies and results, whether it be property in land, a steam-engine, or anything else; and that, therefore, the nationalization of the land would not materially alter our economic conditions, except, perhaps, that the state might not need to impose taxes. But who would benefit by this? The revenues of the state would still be abstracted from ordinary commerce, however they were raised, and only those would be gainers by this scheme who now are taxed *relatively* too heavily. But taxation is not an important question for the working-classes; it mainly concerns the various classes of possessors of property. And even this advantage would only be real, if we expropriated the landlords without giving them any compensation. But how can a society whose fundamental principle is the inviolability of property, proceed in such a summary fashion? To-day you have one hundred thousand dollars; they are sacred and inviolable; to-morrow you have but fifty thousand. They, too, are sacred. The other fifty thousand dollars have been expended in acquiring a piece of land in accordance with the laws of the state. And now comes Henry George and says, "You have stolen the piece of land; return it instantly to the state." This is nonsense!

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